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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,717	10/16/2003	Masaki Yoshizawa	NAKAM-65802	1755

24201 7590 09/14/2005

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EXAMINER

GIBSON, RANDY W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,717

Applicant(s)

YOSHIZAWA, MASAKI

Examiner

Randy W. Gibson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 13-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/24/04&3/22/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed March 22, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but most of the information referred to therein has not been considered.

### ***Claim Objections***

2. Claims 14-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent may refer in the alternative to only one set of claims. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Castleberry, Jr. et al (US # 3,943,491). The intended use statement that the indicator displays "gravity correction information" is not deemed to impart any patentable weight since no structure is claimed. A television may display any information. See *In re Casey*, 152 USPQ 235 (CCPA 1967); and, *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Huck (DE # 41 05 035 A1). The intended use statement that the indicator displays "gravity correction information" is not deemed to impart any patentable weight since no structure is claimed. A television may display any information.

6. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiro (US # 6,011,819). The intended use statement that the indicator displays "gravity correction information" is not deemed to impart any patentable weight since no structure is claimed. An alarm system must have some type of indicator in order to be operative.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurr (US # 5,878,376) in view of Lemelson (US # 4,605,080). Schurr disclose a scale which can download a correction constant for the local gradational acceleration, via a wireless link in one embodiment. Schurr does not expressly disclose that he uses an audio input for data. Lemelson teaches that it is known to include a voice recognition circuit in a scale for allowing an operator to input data audibly (Col. 6, In. 47 to col 7, In. 16). Therefore it would have been obvious to modify the device of Schurr to include an audio input circuit, as suggested by Lemelson, for the convenience of the user.

9. Claims 3, 4, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schurr (US # 5,878,376) in view of Castle (US # 4,969,112). Schurr disclose a scale which can download a correction constant for the local gradational acceleration, via a wireless link in one embodiment (Abs.). Schurr does not expressly disclose that he uses an optical link to transmit data wirelessly. Castle teach that using optical signals in the infra-red range is an art recognized method for transmitting data to and from a weighing scale, especially in environments that have large amounts of radio frequency noise (Col. 1, lines 27-61). Making the scale wireless would have allowed the scale to be placed anywhere within a limited area, allowing for greater mobility and flexibility, and to use infra-red communications between the scale (2) and the controller (24) to reduce radio frequency (RF) noise. Therefore it would have been obvious to the

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ordinary practitioner to modify the device of Schurr to include an optical infra-red data communications link to transmit the local gravitational correction constant data between the scale and controller, as suggested by Castle, for the convenience of the user, and to reduce RF interference.

The limitations in some of the claims concerning the "completion announcement" seems to cover nothing more than a standard "handshaking" routine that occurs between two electronic devices to signal the beginning and ending of a transmission.

10. Claims 5-7 and 10-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schurr (US # 5,878,376). Schurr discloses a scale which can download a correction constant for the local gravitational acceleration, via a wireless link in one embodiment (Abs.). Schurr does not expressly disclose that he uses an optical link to transmit data wirelessly. Obviously a "wireless" signal is inherently going to be an electromagnetic signal of some type -- either radio frequency (RF) or infra-red (IR).

If it is determined that the wireless signal of Schurr is not necessarily an electromagnetic signal, then the examiner notes that it is extremely well known to transmit data using electromagnetic waves, as shown by the example of Castle (Col. 1, ln. 49 to col. 2, ln. 11), and therefore it would have been obvious to the ordinary practitioner to use electromagnetic signals in the device of Schurr to transmit wireless data -- motivated by this technology's art recognized suitability for its intended use. See *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945)

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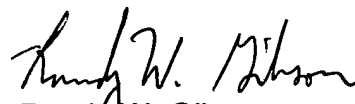
("Reading a list and selecting a known compound to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig-saw puzzle." 325 U.S. at 335, 65 USPQ at 301.); *Ryco, Inc. v. Ag-Bag Corp.*, 857 F.2d 1418, 8 USPQ2d 1323 (Fed. Cir. 1988); and, *MPEP* § 2144.07.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Randy W. Gibson  
Primary Examiner  
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